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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,086	06/29/2001	Jason Benfield	AUS920010378US1	6710

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Joseph R. Burwell
Law Office of Joseph R. Burwell
P.O. Box 28022
Austin, TX 78755-8022

EXAMINER

PORTKA, GARY J

ART UNIT	PAPER NUMBER
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2188

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DATE MAILED: 03/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,086

Applicant(s)

BENFIELD ET AL.

Examiner

Gary J Portka

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-40 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4-9, 17-20, 22-27, 35-38, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Nori et al., U.S. Patent 6,061,690.
4. As to claims 1, 19, and 37, Nori discloses a method, apparatus with means, and program product for creating a skeleton cache that stores full and skeleton objects, where a skeleton object has at least one attribute that is dataless, and has a corresponding full object without the skeleton cache. See Fig. 4, and col. 10 line 15 to col. 11 line 21, in particular col. 10 lines 55-58 and col. 10 line 65 to col. 11 line 2.
5. As to claims 2, 20, and 38, Nori discloses receiving a skeleton definition associated with an object type indicating if an attribute is dataless, since the ADT identifies if an object has a collection attribute, which is dataless when requested to the cache.
6. As to claims 4 and 22, Nori discloses requesting a second attribute value of a second object as recited, since any number of objects may be requested, and for any cache access it is determined if the data is within the object in the cache.

7. As to claims 5 and 23, Nori discloses when the object is full, retrieving the attribute from the cache, since clearly if the attribute is hit in the cache it is retrieved from there.
8. As to claims 6-8 and 24-26, Nori discloses the recited determinations and retrieving, since the cited sections describe retrieving attributes from the cache or from the secondary storage if not in the cache.
9. As to claims 9, 27, and 40, Nori discloses a policy as recited, since a skeleton cache is created when an object has a collection attribute.
10. As to claims 17 and 35, Nori discloses a database interface component with a skeleton handler, since as described in the cited sections a requester interfaces with an object that may or may not be entirely in the cache.
11. As to claims 18 and 36, Nori discloses a policy as recited, since a skeleton cache to the extent recited is formed when an object has a collection attribute.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 10-12 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nori et al., U.S. Patent 6,061,690.
14. As to claims 10-12 and 28-30, Nori does not disclose configurable conditions based on identity of a user or their class, or of a device. However, these are well known

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identifications used for determining accessibility to a system, and as such would have been included in conditions required for determining whether to create a skeleton cache to the extent recited. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to base the determination on these conditions, because they were known to be used for restricting or providing accessibility to a system.

15. Claims 13-16 and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nori et al., U.S. Patent 6,061,690, in view of Veres et al., U.S. Patent 6,609,186 B1.

16. As to claims 13-16 and 31-34, Nori does not disclose configurable conditions base on available memory, network bandwidth, nor temporal evaluation of updates. However, Veres describes an analogous system in that it also provides for reducing a stored object to some subset of it's original size (see Abstract, Fig. 5). Veres teaches that parts of an object are advantageously deleted as a function of constraints in memory available (col. 1 lines 38-43, network bandwidth (col. 2 lines 34- 38), and temporal evaluation of updates (col. 2 lines 22-26). An artisan would have recognized that these could provide the same functionality to the system of Nori because it also reduces the size of a stored object. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to base determination on these conditions, because they were known to benefit the controlling of reducing object size in a storage.

Allowable Subject Matter

17. Claims 3, 21, and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Patent No:

6,128,623 High performance object cache.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary J Portka whose telephone number is (703) 305-4033. The examiner can normally be reached on M-F 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on (703) 306-2903. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gary J Portka
Primary Examiner
Art Unit 2188

March 2, 2004

